

Fact Sheet

for TRIBAL CHILD WELFARE OFFICIALS

HISTORY *and* PURPOSE

The Child and Family Services Reviews (CFSRs) are conducted by the Children's Bureau, within the U.S. Department of Health and Human Services (HHS), to help States improve safety, permanency, and well-being outcomes for children and families who receive services through the child welfare system. The first round of reviews took place between 2000 and 2004, and all States were required to implement Program Improvement Plans (PIPs). The second round of reviews began in early spring 2007.

The CFSRs are an important tool that enables the Children's Bureau to: (1) ensure conformity with Federal child welfare requirements under titles IV-B and IV-E of the Social Security Act; (2) determine what is actually happening to children and families receiving child welfare services; and (3) assist States and Tribes in enhancing their capacity to help children and families achieve positive outcomes. Significant financial penalties may be assessed for failure to make the improvements needed to achieve substantial conformity.



The INDIAN CHILD WELFARE ACT

ICWA was passed by Congress in 1978 to protect the best interests of Indian Tribes, children, and families and to promote the stability and security of Indian Tribes and families. ICWA recognized that there is no resource more vital to the integrity of Indian Tribes than their children. ICWA established standards for the removal of Indian children from their families and their placement in foster or adoptive homes. It also provided for assistance to Tribes for programs that help prevent the removal of children and the breakup of Indian families.

This law includes certain requirements for State child welfare proceedings involving Indian children who are unmarried and under age 18, are either a member of a federally recognized Indian Tribe or eligible for such membership, and are the biological children of a member of an Indian Tribe. ICWA established a number of protections, including:

1. Notification of Indian parents and Tribes of certain State court proceedings related to foster care placement and termination of parental rights that involve Indian children and the right of Indian parents and Tribes to intervene;
2. Preferences for the placement of Indian children in foster care, pre-adoptive, and adoptive homes;
3. A requirement for parties seeking to place a child in foster care or for adoption to make active efforts to prevent the removal of children and the breakup of the Indian family; and
4. The ability to transfer State proceedings to the jurisdiction of the Tribe, and a tribal right to intervene in State proceedings.



The CFSRs and ICWA

The Children's Bureau has made significant efforts to include Tribes as stakeholders in the CFSR process and to collect limited information if an Indian child is included in the sample of reviewed cases. Although the CFSRs are not designed or intended to measure States' conformity with specific ICWA provisions, they look at whether best practices are being followed, such as notification and placement preferences of Tribes.

In gathering information and/or assessing whether the continuity of family relationships and connections

is preserved for children, the CFSRs look at such issues as whether the State child welfare agency:

- explored whether the child may be an Indian child who is subject to ICWA protections;
- provided timely notification to the Tribe of any pending court proceedings and the Tribe's right to intervene; and
- placed Indian children in foster care, pre-adoptive, or adoptive homes in accordance with ICWA placement preferences.

FINDINGS FROM *the* FIRST ROUND *of* CFSRs

Promising approaches in meeting the needs of Native American children that were identified during the first round included:

- Tribal/State intergovernmental agreements and contracts to share funding resources with the intent of improving tribal child welfare capacity and outline protocols on the provision of services to Indian children and their families under State care
- Strategies such as using "Family Group Decision Making" or other methods to involve family members in case planning, resulting in increasing placements with relatives, achieving permanency goals, and preserving connections
- Tribal/State collaboration groups that meet on a regular basis to address issues concerning Indian children in State custody (for example, in North Dakota and Alaska)

Areas needing improvement in meeting the needs of Native American children that were identified during the first round included:

- Early identification of Indian children
- More timely notification to Tribes
- More training on ICWA and cultural competency for State child welfare staff and courts
- Increased recruitment of Indian foster care, pre-adoptive, and adoptive homes
- State acceptance of tribal licensing standards



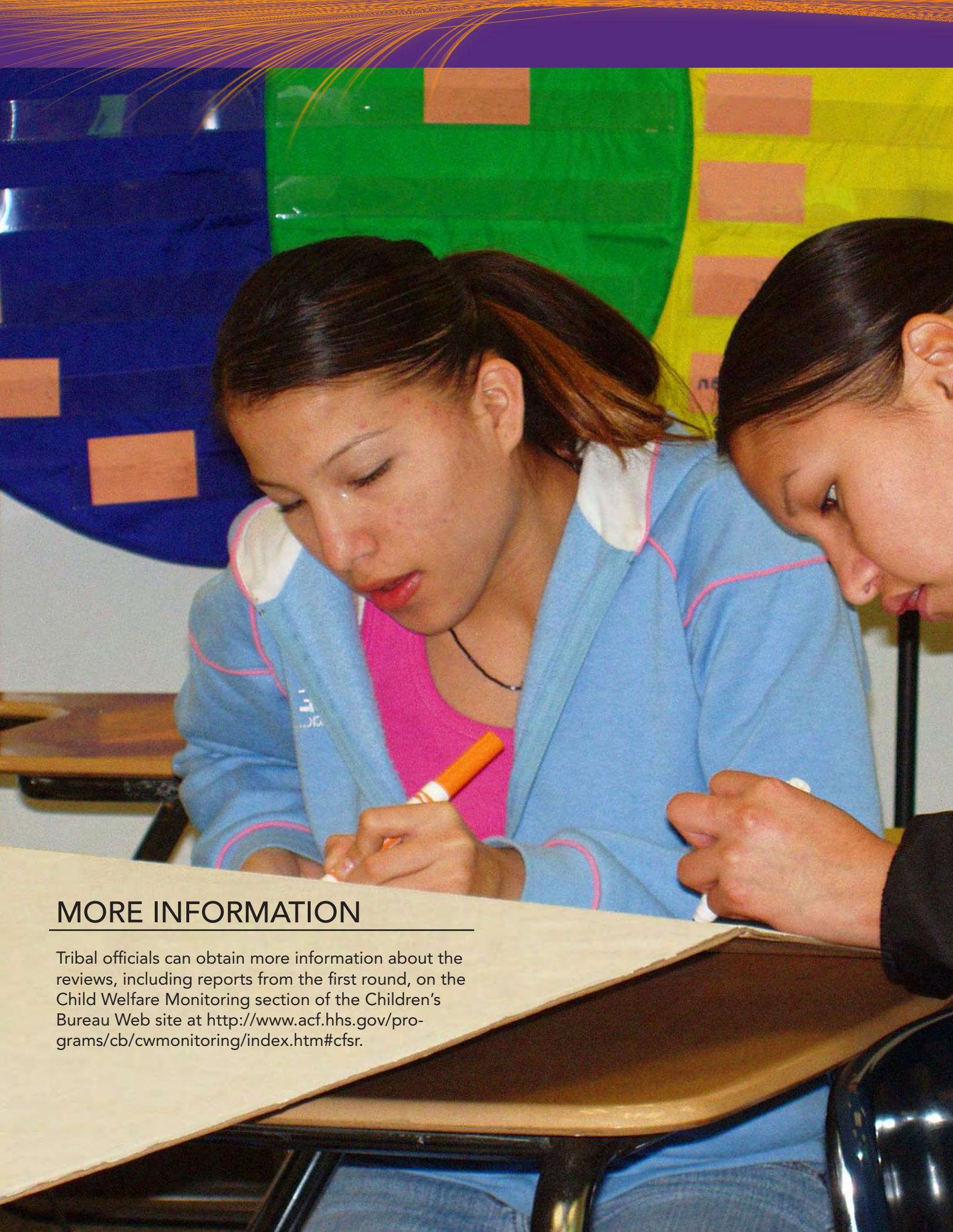


TRIBAL INVOLVEMENT *in the* CFSRs

Tribes are important stakeholders in the CFSR process, and tribal input is important in the overall evaluation of the State. Tribal representatives are encouraged to participate directly in the CFSR process in a variety of ways, such as serving on the initial Statewide Assessment (planning team for the CFSR) or PIP development teams, participating as consultant reviewers, or participating in stakeholder or case-specific interviews conducted at each review site. States are strongly encouraged to ensure tribal participation in all of these activities. This is supported by outreach to Tribes well in advance of each phase of CFSR planning and implementation, and by discussing with Tribes the specific opportunities available and the process for becoming involved.

To increase their involvement in the CFSRs, Tribes are encouraged to communicate and coordinate with the Child Welfare Administrator in their State either directly or through their State/tribal committee to:

- Become informed about current issues by obtaining a copy of the State Child and Family Services Plan, the most recent PIP, and the CFSR Final Report from the first round of reviews;
- Request information about when the next CFSR onsite review will take place for their State;
- Request involvement in their State's CFSR planning meetings;
- Assist in identifying potential review team members and key tribal stakeholders for interviews with review team leaders;
- Ask to serve on Statewide Assessment and/or PIP development teams;
- Ask to participate in interviews related to cases selected in the sample; and
- Ask to participate in stakeholder interviews at both the local and statewide levels.



MORE INFORMATION

Tribal officials can obtain more information about the reviews, including reports from the first round, on the Child Welfare Monitoring section of the Children's Bureau Web site at <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm#cfsr>.